

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 8, 2000  
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Judy Press, Mid-Kansas Jewish Federation, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of August 1, 2000, were approved 7 to 0.

## AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

## PUBLIC AGENDA

Nile Dillmore, Wichita Independent Neighborhoods, Inc. – Wichita Alternative Correctional Housing.

Nile Dillmore

Nile Dillmore said that, through considerable cooperation of various groups (including approval of correctional houses), standards were adopted and implemented; including the prohibition of employment of residents.

Mr. Dillmore expressed concern that the City Council may have acted on initialization of a complaint made by one provider that this requirement "might cause them to go out of business." This complaint by the provider has been made regarding most of the suggested requirements.

Mr. Dillmore asked the Council to reconsider action taken on July 18, 2000.

## NEW BUSINESS

### **MOBILE HOME PARKS    AMENDMENTS TO TITLE 26 – REQUIREMENTS FOR STORM SHELTERS IN MOBILE HOME PARKS.**

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-0765.

The impacts from the storm May 3, 1999, prompted establishment of the Wichita-Sedgwick County Wind Mitigation Task Force. Public, private, community and regional stakeholders were asked to serve as Task Force members. Subcommittees were created to study storm damage and prevention methods with life safety as a priority.

The Task Force recognized that preventing injuries and damage from severe storms requires a multi-faceted approach. The categories included developing: (1) incentives to motivate and encourage citizens and businesses to increase safety by utilizing FEMA recommended construction methods; (2) public education programs to inform and educate the public about wind mitigation techniques and materials; (3) improvements to early warning signalization; and (4) City and County Mobile Home Park Shelter Codes which are uniform and consistent.

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The Task Force report was received by the City Council on March 7, 2000, and a workshop on specific implementation/action items was conducted on May 23, 2000.

One of the Task Force action items was for the City and County to adopt consistent Mobile Home Park Shelter Codes. A subcommittee of the Task Force recommended that the City add additional storm shelter construction requirements to its existing Ordinance, and that Sedgwick County adopt a mobile home park shelter ordinance, consistent with the City's code, for mobile home parks located in unincorporated Sedgwick County.

Both the City and County Staffs have provided suggested amendments consistent with the Task Force subcommittee's recommendations. Adoption of the proposed amendments to Section 26.04.135 of the Code of the City of Wichita incorporates all changes suggested by the Task Force subcommittee, and are consistent with the County's newly adopted Mobile Home Park Shelter Requirements.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --  
-- carried

Pisciotte moved that the amendments to Section 26.04.135 of the Code of the City of Wichita be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Section 26.04.135 of the Code of the City of Wichita, Kansas, pertaining to Manufactured Home Park Shelter Requirements, and repealing the original of said Section, introduced and under the rules laid over.

## CONSTRUCTION ORD. AMENDMENT TO CONSTRUCTION ORDINANCE.

This Item was pulled from the Agenda

## SOLICITATIONS

### CHARITABLE SOLICITATION ON PUBLIC RIGHTS-OF-WAY.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 00-0767.

From time to time, different organizations have utilized City intersections for solicitation of funds and/or promoting special events or fundraising activities. While citizens are stopped at intersections at signals, they are approached by these individuals for donations for different causes and fundraising. This summer, there have been an increasing number of solicitations where various groups of people stand on street corners, on medians and along public rights-of-way soliciting contributions from citizens in stopped cars. The influx in this type of fundraising activity prompted a number of complaints from motorists because they have created serious safety concerns/hazards by shouting, signage, etc, in addition to – on occasion – delaying traffic by walking between travel lanes. Because of the growing number of such activities, the Law Department was asked to review the current ordinances.

The current City's ordinances prohibit this type of solicitation; however, in the past, the governing body has waived provisions to allow certain groups to solicit for charitable purposes. The Ordinances state:

Section 11.44.050(b) provides: "No person shall stand in a roadway for the purpose of soliciting employment, business or contributions from an occupant of any vehicle."

Section 11.44.020(c) provides: "No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard."

Based on the above ordinance provisions, the practice of soliciting contributions on public rights-of-way is prohibited and pedestrians are prohibited from leaving a curb to walk (or run) in the path of a car so close as to constitute an immediate hazard.

Because of the growing numbers of solicitations along major streets, intersections and long street rights-of-way, this matter is being brought to the City Council for review. These groups/individuals doing the soliciting have interrupted traffic and, in some cases, children were observed running in and out of stopped cars asking for donations. In other situations, groups have placed on medians and along rights-of-way with signage and trying to attract motorists. It is the feeling of the Police Department that such activity creates a safety hazard for both the solicitor and motorist.

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It is the legal opinion of the City Attorney that the ordinances should be enforced and all solicitation of contributions in this manner should be stopped. The ordinance should be enforced to prevent any person, organization or entity from soliciting contributions from vehicles on City streets. It is a safety hazard for persons to approach cars on the street to solicit funds. It is a hazard to the pedestrians as well as the drivers of the cars being approached. Traffic accidents can occur if some one stops or does not start because they are dealing with a solicitor. Not enforcing the provisions of the ordinance, could result in an accident and/or injury.

In addition, Public Works has suggested that fundraisers at the major intersections have the potential for interfering with signal phasing, which disrupts traffic flow and can cause traffic accidents.

The Fire Dept has traditionally used this method to collect funds every year for the Muscular Dystrophy. However, the Fire Chief agrees there are inherent dangers involved with this practice and the department plans to find other ways to raise money for the charity.

It has been suggested that the City develop a program to license such activities. However, such a program would not remove the safety hazard for both pedestrians and cars.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Pat Greenway

Pat Greenway, President of the Make-A-Wish Foundation, said this type of solicitation has been a viable fund raiser. The Foundation works with the special events director of the Police Department and solicitors wear bright orange safety vests. Solicitors are asked not to leave medians.

Gary Rebenstorf

Director of Law said the problem of vehicles stopping would exist whether or not permits were required.

Mayor Knight

Mayor Knight said, surely, there is another way for the Foundation to engage the public. Mayor Knight also spoke of uneasiness of the City being too intrusive. Stopping traffic causes problems but the City may be over-reacting.

Motion -- carried

Knight moved that this Item be deferred two weeks. Motion carried 7 to 0.

(Later in the meeting the City Council reconsidered this Item; action is shown below.)

Motion -- carried

Knight moved that the charitable solicitation item be reconsidered. Motion carried 7 to 0.

Motion --  
-- carried

Knight moved that this Item be deferred until District Advisory Boards have had the opportunity to discuss the subject and return with comments. Motion carried 7 to 0.

## **TREE TRIMMING ORD. TREE TRIMMING ORDINANCE.**

Doug Kupper

Director of Parks and Recreation reviewed the Item.

Agenda Report No. 00-0768.

Trees and shrubs located in street rights-of-way, parks and City property are neighborhood resources which benefit the health and welfare and the quality of life in the community. The benefits of the urban forest include energy conservation, reduction of noise pollution, water runoff, wind speed and enhanced visual and aesthetic qualities. Protection and enhancement of urban forests requires proper pruning and underground work practices.

The new Code section governs the pruning of trees and shrubs along streets and in parks. Persons or corporations must apply for and obtain a permit issued by the Landscape and Forestry Section of the Park and Recreation Department prior to doing any work. The work must follow the specifications of the ordinance and any conditions required by the Landscape and Forestry Section. All pruning on City trees will be under the supervision of a city forester. A person aggrieved by a decision of the Superintendent of Landscape and Forestry may appeal to the Park Board, and ultimately to the City Council.

There is no financial impact to the City.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

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Motion -- carried

Cole moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance adding Section 9.08.025 of the Code of the City of Wichita, Kansas, pertaining to tree pruning, introduced and under the rules laid over.

## OLD TOWN CINEMA

### **PREFERRED DEVELOPERS FOR OLD TOWN CINEMA PROJECT.** (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-0769.

On June 22, 1999, the City Council named Civic Partners of Costa Mesa, California, as a preferred developer of a mixed-use development which centered around a multi-screen cinema in Old Town. The City Council agreed to negotiate the details of a public-private partnership development agreement exclusively with Civic Partners for 120 days. The term of the exclusive agreement expired in November 1999; however, negotiations have continued. In April, 2000, the City approved Civic's selection of general contractors for the project and set a 60-day period for development of affordable cost estimates for public-funded portions of the project. Civic Partner's estimates did not meet the City's requirements for affordability.

During the City's negotiations with Civic Partners, Wichita-based cinema developer Bill Warren and local commercial developer George Laham, presented a joint proposal to develop a mixed-use commercial project that would include a multi-screen cinema in Old Town. Warren and Laham were informed that consideration could not be given to their proposal while negotiations with Civic Partners were continuing. Since negotiations with Civic have failed to produce an acceptable financially viable project, the City proposes to designate Warren and Laham as preferred developers for an Old Town Cinema Project.

The designation of a new preferred developer will provide a 120-day period to negotiate a development agreement. The agreement will specify the scope of the proposed project, including detailed cost estimates, and will identify the responsibilities of all parties with respect to development activities and financial participation.

There is no financial obligation of the City created by designation of a new preferred developer. All financial obligations will be identified and approved in the development agreement. The City Council has previously approved the establishment of a new Old Town Redevelopment District that provides the possibility of tax increment financing of the project.

Negotiations and drafting of a development agreement will be coordinated with the Department of Law.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Cole moved that Cinema Old Town, L.L.C., be designated as preferred developers for the Old Town Cinema Project, and Staff be authorized to negotiate the details of a development agreement during the next 120 days. Motion carried 7 to 0.

-- carried

## BUDGET

### **2001 ANNUAL OPERATING BUDGET AND REVISIONS TO THE 2000 BUDGET.**

Ray Trail

Director of Finance explained the process.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the comments be taken under advisement. Motion carried 7 to 0.

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(Addendum Item No. 7a)  
**IRB – TRANSFER STA.**

## **SEDGWICK COUNTY: INTENT TO ISSUE INDUSTRIAL REVENUE BONDS (TRANSFER STATION SITE).**

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-0791.

On August 2, 2000, the City received official notification from the Sedgwick County Clerk that the Board of County Commissioners has adopted a resolution declaring its intent to issue industrial revenue bonds in a principal amount not-to-exceed \$5,500,000 for Waste Connections, Inc., a national solid waste disposal company formerly named BFI. The proceeds of the proposed County IRB issue will be used to acquire lands and to construct and equip a solid waste transfer station at that site. Pursuant to state law, the County is asking the City Council to approve the adoption of the resolution of intent to issue IRBs.

The location of the proposed site is within three miles of the City limits of Wichita. State law requires a county to seek the approval of any city whose corporate limits are within three miles of a project site prior to issuing industrial revenue bonds to finance the project. Under the statute, the City has seven business days from the date of receiving notice, to approve or disapprove the issuance of the bonds by the County. If the City Council takes no action, approval will be deemed to be given. If the City Council disapproves the issuance of the bonds for the proposed project, the County is prohibited from issuing the bonds.

The proposed project site is an approximately 17-acres located at the northwest corner of 37th St. North and West Street, in unincorporated Sedgwick County. On March 8, 2000, the Sedgwick County Commission approved a change of zoning and conditional use permit for the site to specifically allow for its use as a solid waste transfer station. The update to the Comprehensive Plan, adopted by the City Council and County Commission on July 21, 2000, identifies a two square mile area encompassing the proposed transfer station site as appropriate for industrial use.

There is no direct financial impact on the City caused by approval of disapproval of the County's resolution of intent.

Under state law, the City Council must act on the County's request by August 17, 2000, or the resolution of intent will be deemed approved by the City.

Mayor Knight

Mayor Knight said the City should not be an obstacle to the bond issue; however, the Mayor would bring some matters of concern to the attention of the Sedgwick County Commission Chairman.

Council Member Cole

Council Member Cole cited requirements previously requested by the City Council and urged approval based on certain conditions.

Council Member Cole expressed concern that the distribution warehouse would be located in the north part of Wichita when the final destination is to be to the south of Wichita.

Council Member Martz

Council Member Martz also expressed concern regarding City Council previously requested requirements for the transfer station operator, and regarding the location of the warehouse and the final destination.

Council Member Martz said District Advisory Board V had expressed concern regarding road damage. It is estimated that there will be an additional 65 to 75 trucks daily; the additional trucks being considerably larger than the present trash trucks. There would be an additional cost to the City of Wichita for future road repair expense. There would also be additional road debris.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Mayor Knight

Mayor Knight asked that the Director of Law meet with the Sedgwick County Legal Department regarding the liability issue once refuse has been accepted at the transfer station. Any liability would rest on citizens of the City of Wichita who comprise 75 percent of the County population.

Council Member Rogers

Council Member Rogers spoke in favor of approving the on the basis of conditions.

Motion --

-- carried

Knight moved that the proposed financing for the transfer station be supported. Motion carried 4 to 3.  
Cole, Lambke, Rogers – No.

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(Addendum Item No. 7b)

**AD HOC TRAFFIC DIST. ESTABLISHMENT OF AN AD HOC TRAFFIC DISTRICT-WIDE COMMITTEE. (REQUESTED BY COUNCIL MEMBER GALE)**

- Council Member Gale Council Member Gale reviewed the Item and asked that an Ad Hoc Traffic District-wide Advisory Board Committee be established.
- Gary Rebenstorf Director of Law explained the potential open meetings problem with more than two District Advisory Boards meeting. If there is a matter that needs to be discussed by more than one District Advisory Board, the City Council should form the group.
- Mayor Knight Mayor Knight stated that he would not relinquish final authority from the City Council.
- Council Member Rogers Council Member Rogers said the traffic problem areas should be addressed by professional persons working in professional areas. It is understood that the Access Management Committee would also be looking into broader areas such as this area.
- Council Member Martz Council Member Martz stated that District Advisory Boards also handle traffic issues. The District Advisory Boards should consider traffic issues and forward the concerns to management.
- Mayor Knight momentarily absent; Vice Mayor Lambke in the Chair.
- Motion -- Gale moved that an Ad Hoc Traffic District-wide Committee be established to convene for 60 days and return to City Council if a decision is required to continue the Committee. Motion failed 5 to 2. Lambke, Martz, Pisciotte, Rogers, Knight – No.
- failed

(Addendum Item No. 7c)

**OUTDOOR VEH. SALES APPEAL OF CONDITIONAL USE PERMIT FOR OUTDOOR VEHICLE SALES AT 31ST STREET SOUTH AND MERIDIAN. (REQUESTED BY COUNCIL MEMBER GALE)**

- Motion -- Gale moved that the Conditional Use Permit for outdoor vehicle sales at 31st Street South and Meridian be appealed. Motion carried 7 to 0.
- carried

## **CITY COUNCIL AGENDA**

### **APPOINTMENTS**

#### **BOARD APPOINTMENTS.**

No appointments were made.

### **TRAVEL APPROVAL**

#### **APPROVAL OF COUNCIL MEMBERS' TRAVEL TO BOSTON, MA, TO ATTEND NATIONAL LEAGUE OF CITIES 2000 CONGRESS OF CITIES, DECEMBER 5-9, 2000.**

- Motion -- carried Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

#### **APPROVAL OF COUNCIL MEMBER PISCOTTE'S TRAVEL TO TOKYO, JAPAN, TO REPRESENT THE CITY AT THE MIDWEST U.S.-JAPAN ASSOCIATION CONFERENCE GOVERNOR'S MISSION, SEPTEMBER 8-14, 2000.**

- Motion -- carried Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

## **CONSENT AGENDA**

Knight moved that the Consent Agenda including Addendum Item 26a, except Items 19c and 19d, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

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## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 7, 2000.

Bids were opened August 4, 2000, pursuant to advertisements published on:

I-235 Corridor Landscaping from south of Zoo Boulevard to Broadway north. (87 TE-0072-01/472-82592/706358/405189) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Green Glo - \$266,822.50 (Award Contract with KDOT concurrence that Contractor will use KDOT \ Certified DBE)

2000-2001 CDBG public facilities and improvements (Phase A) Asphalt - north of 31st Street South, east of Broadway. (2000\_602342\_A/602342\_A/621326 /800002/533243) Traffic to be maintained during construction using flagpersons and barricades. (District I & III)

APAC – Kansas Inc. - \$107,375.00 (Engineer's estimate)

2000 sanitary sewer rehabilitation, Phase C - east of Hydraulic, north of Pawnee. (468-83146/620291/660416) Traffic to be maintained during construction using flagpersons and barricades. (District I & III)

Insituform - \$140,300.00

Northeast Soccer Complex Parking Lot - Phase I - south of 29th Street North, west of Greenwich Road. (472-83139/785000/399131) Does not affect existing traffic. (District II)

Ritchie Paving - \$54,789.70 (Base bid with add alternate)

Water distribution system to serve Springdale Lakes Addition - south of Kellogg, west of 143rd Street East. (448-89485/734979/470649) Does not affect existing traffic. (District II)

Mies Construction – \$31,328.00

Lateral 405, Southwest Interceptor Sewer to serve YMCA South Addition - west of Meridian, north of I-135) (468-82865/743837/480525) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

WB Carter Construction – \$34,826.00

Highland Springs from the east line of the Plat west to the northwest line of Lot 20, Block C; Aksarben from the north line of Highland Springs, north to the north line of the Plat; Remington Lane from the south line of Highland Springs, south to the southwesterly line of Remington Lane Court; Highland Springs Court from the north line of Highland Springs north to and including the cul-de-sac; Remington Court from the south line of Remington Lane south to and including the cul-de-sac, and; Sidewalk along both sides of Highland Springs, from the east line of the Plat to the northwest line of Lot 20, Block C, on one side of Aksarben from the north line of Highland Springs, north to the south line of Highland Springs, south to the southwesterly line of Remington Lane Court to serve Highland Springs Second Addition - west of 135th Street West, south of Central. (472-83142/765630/490741) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$264,450.85

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PARK DEPARTMENT/RECREATION DIVISION: Park Lighting at Various Athletic Fields. (785915) Shields Electric, Inc. - \$22,900.00 (Group II/lump sum total)

Wichita Electric Co., Inc. – \$16,621.00 (Group III/lump sum total)  
\$17,162.00 (Group IV)/lump sum total)

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## WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Fire Hydrants. (188441)

Clow Valve - \$580.00\* (Item 1/per each)  
\$593.00\* (Item 2/per each)  
\$605.00\* (Item 3/per each)  
\$615.00\* (Item 4/per each)

\*2% 15th Net 30

## WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Waterworks Supplies. (181222)

Water Products Inc. - \$1,592.00 (Group I /total)  
\$1,153.00 (Group II /total)  
Wichita Winwater Works - \$8,754.00\* (Group III/total)  
Water Products, Inc. - \$2,635.40 (Group IV/total)  
Hajoca Corporation - \$14,781.50\*\* (Group V/total)

\*Corrected total

\*\*2% 10th Prox Net 30

## WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Water Well Piping. (181222)

Layne Western, A Division of Layne Christensen \$44,250.00# (Total net bid)  
#Includes applicable sale tax

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

#### Renewal Adult Entertainment

2000

Valerie Washington	Xcitement Video	3909 West Pawnee
Valerie Washington	Xcitement Video	220 East 21st Street

#### New Adult Entertainment

Cochran, Lisa	An Affectionate Foxy Lady	2415 South Glendale
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Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

#### Renewal

2000

(Consumption off Premises)

David W. Haubenstein	Metro Oil Co, dba Total #4177	851 South Meridian
David W. Haubenstein	Metro Oil Co, dba Total #4178	324 West Harry
David W. Haubenstein	Metro Oil Co, dba Total #4180	1826 West 13th Street
David W. Haubenstein	Metro Oil Co, dba Total #4182	4003 South Broadway
David W. Haubenstein	Metro Oil Co, dba Total #4183	731 North Ridge
David W. Haubenstein	Metro Oil Co, dba Total #4184	106 South Hydraulic
David W. Haubenstein	Metro Oil Co, dba Total #4185	223 East 21st Street
David W. Haubenstein	Metro Oil Co, dba Total #4186	3919 West Pawnee
David W. Haubenstein	Metro Oil Co, dba Total #4188	1622 South West Street
David W. Haubenstein	Metro Oil Co, dba Total #4191	248 South Hillside
David W. Haubenstein	Metro Oil Co, dba Total #4194	233 North Rock Road

#### New Operator

2000

(Consumption on Premises)

Sharon D. Guilfoil	The Chug-a-Lug	5111 West 13th Street
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Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.



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## PLANS AND SPECS.

### SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

## PRELIMINARY EST.

### PRELIMINARY ESTIMATES:

- a) Water supply line in Webb Road from one-half mile south of 45th Street North to 53rd Street North - Webb Road south of 53rd Street North. (448-89432/633724/750818) Traffic to be maintained during construction using flagpersons and barricades. (District – County) - \$908,247.50
- b) Water distribution system to serve Balthrop Addition - north of Central, east of Greenwich. (448-89335/734976/470646) Does not affect existing traffic. (District II) - \$74,100.00
- c) Central Park from the east line of 119th Street West, east, south and east to the east line of the plat; Parkridge from the north line of Central Park north to the north line of Lot 28, Block C; Central Park Courts (Lots 39-53, Block C) from the north line of Central Park, north and east to and including the cul-de-sac, (Lots 1-12, Block D) from the south line of Central Park, south to and including the cul-de-sac, (Lots 13-18, Block D) from the south line of Central Park, south to and including the cul-de-sac, (Lots 3-11, Block E) from the south line of Central Park, south to and including the cul-de-sac; Parkridge Court from the east line of Parkridge, east to and including the cul-de-sac; and: sidewalk on one side of Central Park and Parkridge to serve West Ridge Estates - south of 29th Street North, east of 119th Street West. (472-83234/765631/490742) Does not affect existing traffic. (District V) - \$436,000.00
- d) 2000 Contract Maintenance mill and overlay of 13th and Maize Intersection - 13th and Maize. (2000\_132324\_1/132324\_1/) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$190,800.00
- e) Water distribution system to serve unplatted tracts - along Arkansas Avenue, north of 43rd Street North. (448-89259/734764/470554) Not for advertisement. - \$14,400.00
- f) Water distribution system to serve and unplatted tract - west of Meridian, south of 61st Street North. (448-89185/734061/470484) Not for advertisement. - \$4,081.00
- g) Water distribution system to serve Hybritech Wheat Addition - east of Meridian, north of 53rd Street north. (448-89171/734079/470485) Not for advertisement. - \$5,865.00
- h) 2000 Sanitary Reconstruction Program, Phase 2 - south of 13th, west of Oliver. (468-83126/620288/660413) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and IV) - \$251,000.00
- i) 2000-2001 CDBG street, curb and gutter improvements (Phase B) concrete - north of 31st Street South, east of Broadway. (2000\_602342\_B/602342\_B/800002) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and III) - \$309,795.00
- j) Lateral 54, Main 3, Southwest Interceptor Sewer to serve Aero Addition - south of I-235 South, east of Meridian. (468-83060/743825/480513) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$8,000.00
- k) Edwards from the south line of 26th Street North to the north line of 25th Street North to serve Northwest Heights Addition - north of 25th Street North, west of Amidon. (472-83180/765615/490726) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$132,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

## IMPROVEMENTS

### PETITIONS FOR PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEMS TO SERVE EVERGREEN AND EVERGREEN SECOND ADDITIONS – NORTH OF 21ST STREET AND WEST OF MAIZE ROAD. (District V)

Agenda Report No. 00-0770.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

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These projects will provide paving, sanitary sewer, and water distribution systems to a new residential development.

The Petitions total \$1,770,700. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolutions be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-00-307

Resolution of findings of advisability and Resolution authorizing Construction Of Water Distribution System Number 448-89489 - north of 21<sup>st</sup> Street, west of Maize Road, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-00-308

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89490 - north of 21<sup>st</sup> Street, west of Maize Road, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-00-309

Resolution of findings of advisability and Resolution authorizing construction of Lateral 461 Southwest Interceptor Sewer - north of 21<sup>st</sup> Street, west of Maize Road 468-83147, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-00-310

Resolution of findings of advisability and Resolution authorizing construction of Lateral 462 Southwest Interceptor Sewer - north of 21<sup>st</sup> Street, west of Maize Road, 468-83148, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-00-311

Resolution of findings of advisability and Resolution authorizing improving of Rutgers from Sterling to Central Park and from Central Park to Ryan; on Ryan from the west line of Parkdale to Rutgers; on Central Park from the west line of Parkdale to Rutgers; on Ryan Circle from the west line of Rutgers to and including the cul-de-sac; on Rutgers Court from the west line of Rutgers to and including the cul-de-sac; on sterling from the west line of Rutgers to the west line of Lot 1, Block 2; on Sterling/Parkdale from the south line of Lot 40, Block 4, to the south line of Lot 21, Block 5; and on Parkdale from the south line of Sterling/Parkdale to the south line of Lot 26, Block 5; and sidewalk along the west and north sides of Rutgers/ Central Park; on the west side of Sterling/Rutgers and the east side of Parkdale from the south line on Lot 11, Block 7, to Parkdale - north of 21<sup>st</sup> Street, west of Maize Road, 472-83255, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-00-312

Resolution of findings of advisability and Resolution authorizing improving of Rutgers/Greenspoint/Parkdale, from the north line of Lot 20, Block 5, to the north line of Lot 10, Block 7; Rutgers Court serving Lots 1 through 10, Block 5; Rutgers Court serving Lots 11 through 20, Block 5; Greenspoint from the west line of Rutgers/ Greenspoint to the west property line of Lot 1, Block 6; Parkdale from the south line of Lot 11, Block 6; Parkdale from the south line of Lot 11, Block 6 to Greenspoint/Parkdale; and sidewalk along the west, south and east side of Rutgers/Greenspoint/Parkdale, north of 21<sup>st</sup> Street, west of Maize Road, 472-83256, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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## BOARDS MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District IV Advisory Board, 6-07-2000  
Wichita-Sedgwick County Board of Health, Public Health Committee, 6-12-2000  
Wichita Area Planning Commission, 6-15-2000  
Wichita Public Library Board of Director, 6-20-2000  
District IV Advisory Board, 6-21-2000  
Wichita Employees Retirement Board, 6-21-2000  
Wichita-Sedgwick County Board of Health, Health Department Budget Committee 7-05-2000

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

## CATHOLIC CHARITIES

### CDBG CONTRACT - CATHOLIC CHARITIES, INC. – HARBOR HOUSE.

Agenda Report No. 00-0771.

On March 7, 2000, the City Council allocated Community Development Block Grant (CDBG) funds for the 2000/2001 program year. Included in the 2000/2001 CDBG allocations were funds for women's shelter services. Women's shelter services were procured through a competitive Request for Proposals.

The contract with Catholic Charities for Harbor House provides operating assistance for a shelter for victims of domestic violence. The contract term is twelve months beginning July 1, 2000 and ending June 30, 2001.

The contract amount for Harbor House is \$55,000 and is funded in the approved 2000/2001 CDBG budget.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## RAILROAD LITIGATION

### CONTRACT AMENDMENT - LEGAL SERVICES, RAILROAD MERGER LITIGATION.

Agenda Report No. 00-0772.

The council previously approved hiring of outside counsel, Steven J. Kalish of Washington, D.C., to assist the City in connection with a lawsuit filed in opposition to the merger between the Union Pacific and Southern Pacific railroads. This matter has been vigorously pursued by the City and has been finally concluded. The amount of the initial contracts for legal services has been exhausted. The City and County are sharing the legal expenses for outside counsel, an expert in these regulatory matters.

Since being retained Mr. Kalish has done significant work in federal court in connection with the pending lawsuit. The case is completed. The City's share of the final billing of fees for the work done to complete the project is estimated not to exceed \$3000 and a contract amendment increasing the total fees in that amount is required at this time.

The fees will be paid from the tort liability fund.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item No. 19c)

## WORKFORCE

### CONTRACT FOR SERVICES TO LOCAL WORKFORCE INVESTMENT BOARD.

Council Member Pisciotte declared a conflict of interest and abstained from participation.

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Agenda Report No. 00-0773.

The City of Wichita is the grant recipient for federal monies earmarked for workforce development programs administered by a variety of agencies throughout a 6-county service area. The various grants and programs have recently been brought together for oversight and governance under the federal Workforce Investment Act (WIA). Among other reforms, WIA emphasizes local governance and control over workforce-related programs by requiring the empowerment of a Local Workforce Investment Board (LWIB) which is appointed by the area's local elected officials board. In the area that includes Wichita, the Regional Economic Area Partnership (REAP) has assumed the role of the local elected officials board.

On July 1, 2000 the LWIB replaced the Private Industry Council (PIC), which had provided governance and oversight under the previous federal JPTA program. The PIC had contracted, through the City of Wichita, for staff support services from WSU's Hugo Wall Center for Urban Studies. With the transition from PIC to LWIB, it is necessary to re-bid the contract for services.

In accordance with the procurement guidelines from the Kansas Department of Human Resources, the City has issued a request for proposals for staff support services to the LWIB. The RFP was mailed to several post-secondary educational institutions and a summary notice published in the official newspapers of the six counties in our service area. One response was received, from the WSU Hugo Wall Center. The proposal conforms to the requirements of the RFP and the proposed budget is well within the amounts allowed for in the federal grants. The staff screening and selection committee recommends negotiating the final terms of the contract with WSU. The term of the contract will be for one year, terminating on June 30, 2001.

The total proposed budget for the contract for services with the Hugo Wall Center is not-to-exceed \$105,831. The source of funding for the contract will be the various federal grants that fund workforce development programs, each of which includes an allowance for administrative support services.

The Department of Law will review and approve as to form the final version of the contract prior to execution.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotte abstained)

## LANDFILL

### **CONSTRUCTION AND DEMOLITION LANDFILL CONCEPTUAL DEVELOPMENT PLAN CONSULTANT AGREEMENTS.** (Districts II and VI)

Agenda Report No. 00-0774.

The proposed city budget recommends the establishment of a Construction and Demolition (C&D) Landfill to provide for a disposal site for wastes from City operations and from the general public. This facility will be needed beginning in October of 2001, when the Brooks Landfill will close. Under Sedgwick County's adopted solid waste plan, construction and demolition waste will be prohibited from the transfer station. When the tipping fee for general waste disposal increases from the current \$26 per ton to some \$40 or more per ton, the disposal cost at private C&D landfills (currently at \$22 per ton) may also go up significantly.

An initial step in the establishment of a C&D Landfill is the evaluation of land including two large tracts of land the City currently owns for possible development into such a site. Under the terms of this Agreement, the City's Consultant, Burns and McDonnell, Inc., will study the Brooks Landfill (including the Miller Tract) and land near Furley for their appropriateness for development into a C&D Landfill site.

By establishing a C&D Landfill that is open to the public, the City intends to be able to dispose of City generated C&D waste (at no cost to the City) and to be able to pay for existing disposal programs from net revenues received at the site. Three programs being considered include the Neighborhood Clean Up Program (\$125,000/year); the Alley Clean-Up Program (\$125,000/year); and the Indigent Trash Program (\$25,000/year). Funding would also be provided to pay the cost of closure of the site.

The Agreement for professional consulting services is based on hourly rates of the consulting firm, includes eligible reimbursable expenses, and has a not to exceed amount of \$10,000. The cost of the Contract will be covered within the existing landfill budget (Index Code 131300.)

Motion --  
-- carried

Knight moved that the agreement be approved and Staff be directed to utilize the results of the study in the establishment of a program to manage C&D waste. Motion carried 7 to 0.

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(Addendum Item No. 19e)

## **KS AVIATION MUSEUM AGREEMENT FOR KANSAS AVIATION MUSEUM RENOVATION.** (District III)

Mayor Knight declared a conflict of interest and abstained from participation.

Agenda Report No. 00-0793.

On May 7, 1996, the City Council approved an agreement with the Kansas Department of Transportation (KDOT) for the renovation of the former Wichita Municipal Air Terminal. KDOT agreed to pay 80% of the renovation cost. "The Kansas Aviation Museum, Inc.", operator of the facility, agreed to pay the balance, and the City agreed to administer the project. Schaefer, Johnson, Cox, Frey and Associates, P.A. will provide architectural services.

An Agreement between the City, Schaefer, Johnson, Cox, Frey and Associates, P.A., and KDOT for construction engineering services has been prepared.

The work consists of exterior wall repairs, roof repairs, restoration of windows and doors, control tower rehabilitation, and repair of the flight observation decks.

KDOT will reimburse the City for 80% percent of the cost for construction engineering services, which has an upper limit of \$23,500.00. The balance of the costs for construction engineering services will be paid by the Kansas Aviation Museum, Inc.

Motion --  
-- carried

Martz moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight abstained)

## **DESIGN SERVICES**

### **AGREEMENT FOR DESIGN SERVICES FOR SAWMILL CREEK ADDITION – EAST OF ROCK ROAD, NORTH OF 45TH STREET NORTH.** (District II)

Agenda Report No. 00-0775

The City Council approved the project on June 13, 2000.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of bond financed improvements in Sawmill Creek Addition. Per Administrative Regulation 7a, staff recommends the selection of SRB because SRB provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$25,900, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **DESIGN SERVICES**

### **AGREEMENT FOR DESIGN SERVICES FOR GREAT PLAINS BUSINESS PARK SECOND ADDITION - EAST OF OLIVER, SOUTH OF 37TH STREET NORTH.** (District II)

Agenda Report No. 00-0776.

The City Council approved the project on February 8, 2000.

The proposed Agreement between the City and Poe & Associates of Kansas, Inc. provides for the design of bond financed improvements in Great Plains Business Park 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Poe because Poe provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$41,550, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## DESIGN SERVICES

### AGREEMENT FOR DESIGN SERVICES FOR MODIFICATIONS TO ROCK ROAD IN FRONT OF TOWNE EAST SQUARE - ROCK ROAD BETWEEN KELLOGG AND DOUGLAS. (District II)

Agenda Report No. 00-0777

The City Council approved the project on April 18, 2000.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements for the Kellogg Mall Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation. The project will make necessary modifications to Rock Road and the entrances to Towne East to relocate the major entrance.

Payment will be on a lump sum basis of \$42,500, and will be paid by special assessments.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## EASEMENT ENCROACHMENT AGREEMENT - LOT 3, FOREST HILLS OFFICE PARK FOURTH ADDITION. (District II)

Agenda Report # 00-0778

The agreement allows MKEC Engineering Consultants, Inc. to occupy and construct for Lot 3, Forest Hills Office Park Fourth Addition improvements on, over and across the aforesaid public easement extending from 25 to 40 feet in width, on the easterly portion of Lot 3, Forest Hills Office Park Fourth Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a 7' long by 1' wide by 6' tall sign 50' south of the northeast corner of Lot 3.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## EASEMENT ENCROACHMENT AGREEMENT - LOT 2, BLOCK B, PLEASANTVIEW HEIGHTS SECOND ADDITION. (District VI)

Agenda Report No. 00-0779.

The agreement allows Virginia Stratford Griffith to occupy and construct for 1520 N. Mt. Carmel improvements on, over and across the aforesaid public easement described as 8 feet in width, across the entire east end of Lot 2, Block B, Pleasantview Heights 2nd Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a brick and cement block workshop 20' wide and 30' long of which the northeast corner encroaches into the easement.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## **EASEMENT ENCROACHMENT AGREEMENT - LOT 2, BLOCK A, AUBURN HILLS ADDITION.** (District V)

Agenda Report No. 00-0780.

The agreement allows Jeff Gilmore to occupy and construct for 306 Limuel Court. improvements on, over and across the aforesaid public easement described as 20 feet in width south of the 5-foot wall easement, which is south of the north property line of Lot 2, Block A, of the Auburn Hills Addition hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be a 16'x36' in-ground pool, with a 3' concrete slab around the perimeter of the pool; the pool will encroach 7' into the easement from the south, the north side of the pool being 18' south of the north property line.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

## **EASEMENT ENCROACHMENT AGREEMENT - LOTS 5 AND 6, CARRIAGE HOUSE PLAZA ADDITION.** (District V)

Agenda Report No. 00-0781.

The agreement allows Wallace & Rowlen Partnership to occupy and construct for Lots 5 and 6 of Block 1 of the Carriage House Plaza Addition improvements on, over and across the aforesaid public easement described as 20 feet in width with the centerline of easement on the common property line of Lots 5 and 6 of Block 1 of the Carriage House Plaza Addition hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be one foot south of the 25-foot Setback south of the north property line of Lots 4, 5, 6, and 7 of Block 1 of the Carriage House Plaza Addition for the construction of a concrete masonry wall.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

## **EASEMENT ENCROACHMENT AGREEMENT - LOT 13, BLOCK 12, WESTLINK VILLAGE NINTH ADDITION.** (District V)

Agenda Report No. 00-0782.

The agreement allows Donald G. Frazey to occupy and construct for Lot 13, Block 2, Westlink Village Ninth Addition improvements on, over and across the aforesaid public easement described as 8 feet in width, east of the west property line of Lot 13, Block 2, Westlink Village Ninth Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be a 7'x17' concrete pad and shed 3' east of the west property line of Lot 13, Block 2, Westlink Village Ninth Addition.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

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## APPEAL PAYMENT

### **PAYMENT OF JUDGMENT IN CONDEMNATION APPEAL - EISENRING PROPERTY.** (District V)

Agenda Report No. 00-0783.

In May 1998, the City acquired, by eminent domain, approximately 75 acres of land in the area of Zoo Boulevard and Hoover Road for use by the Water and Sewer Utility for a future water treatment facility. The award in the eminent domain proceeding was \$500,000. The landowner appealed and after a jury trial was awarded additional compensation in the amount of \$272,250. The City appealed that jury verdict to the Supreme Court of Kansas. In the last month the Supreme Court affirmed the judgment of the District Court.

The City is obligated to pay a judgment to the landowner in the amount of \$272,250, together with interest from May 1, 1998.

The cost of this judgment is part of the acquisition cost for the land and will be paid from the Water and Sewer Utility Fund.

The eminent domain matter is finally concluded and the City has been ordered by the court to pay the landowner an additional judgment of \$272,250 plus interest.

Motion --  
-- carried

Knight moved that the payment to the landowner of the judgment entered by the District Court on July 2, 1999, together with interest to the date of payment, be approved. Motion carried 7 to 0.

## SANITARY SEWER

### **PUBLIC EXIGENCY PROJECT – SANITARY SEWER REPAIRS.** (District II)

Agenda Report No. 00-0784.

A sanitary sewer has collapsed in the easement between Oliver and Dellrose, south of Central. Two service connections are located at the point of collapse. An emergency repair is necessary to restore service to the area. Staff recommends hiring a contractor to perform the work, due to limited access to the easement, depth of the sewer line, and other utilities located within the excavation area.

Staff met on site with the contractors and W.B. Carter Construction had the lowest bid at \$13,500. The City Manager approved proceeding with the project on July 24, 2000.

Capital Improvement Program, Reconstruction of Sanitary Sewers (CIP #S-4) has a budget of \$3,000,000 for 2000. This repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion --  
-- carried

Knight moved that the City Manager's Public Exigency approval of the project be affirmed. Motion carried 7 to 0.

## PROPERTY ACQ.

### **ACQUISITION OF PROPERTY FOR EAST KELLOGG IMPROVEMENT PROJECT - 450 LEXINGTON.** (District II)

Agenda Report No. 00-0785.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owners of 450 Lexington, James and Sally Kalinowski, have expressed an interest in selling this property to the City. The site contains 10,790 square feet and is improved with a 1,920 square foot brick, ranch-style single family residence. The property has three bedrooms, a finished basement and two baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$150,000. The owner has located an acceptable replacement dwelling that is currently available for \$180,000 and has agreed to accept this amount. Early acquisition will avoid future relocation and moving expenses. The property is in excellent condition with no deferred maintenance noted. The residence will be leased until it is needed for the highway project.



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The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$186,000 is requested. This includes \$180,000 for the acquisition, \$5,000 for demolition and \$1,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### ACQUISITION OF PROPERTY FOR EAST KELLOGG IMPROVEMENT PROJECT – 18 DRURY LANE. (District II)

Agenda Report No. 00-0786.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owners of 18 Drury Lane, Nicholas and Loretta Salatino, have expressed an interest in selling this property to the City. The site contains 10,760 square feet and is improved with a 2,004 square foot brick, ranch-style single family residence. The property has three bedrooms, a finished basement and three and one-half baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$186,000. The owner has located an acceptable replacement dwelling that is currently available for \$223,000 and has agreed to accept this amount. Early acquisition will avoid future relocation and moving expenses. The property is in excellent condition with no deferred maintenance noted. The residence will be leased until it is needed for the highway project.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$230,000 is requested. This includes \$223,000 for the acquisition, \$6,000 for demolition and \$1,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## BUDGET

### BUDGET ADJUSTMENT – EMERGENCY WOOD DEBRIS DISPOSAL.

Agenda Report No. 00-0787.

Recent storm activity resulted in the need for emergency disposal of a large volume of wood debris. The debris was hauled to the former Chapin landfill site for grinding by a private contractor.

Emergency disposal of debris attributable to recent storms has been contracted with the Wood Recycling Center of Wichita. At the current time, Wood Recycling Center of Wichita is the only contractor capable of responding to an emergency situation of such magnitude. Total cost is estimated at \$19,840.

Over the longer term, strategies are being put in place by the City to develop a construction and demolition landfill in 2001, with the intention of meeting future wood debris disposal needs on an in-house basis.

Emergency disposal costs associated with recent storm activity may be paid from the Landfill Fund. These costs total \$19,840.

Budget transfers in excess of \$10,000 require City Council approval.

Motion -- carried

Knight moved that the budget adjustment be approved. Motion carried 7 to 0.

## EQUIPMENT

### PURCHASE OF EQUIPMENT – POLICE DEPARTMENT.

Agenda Report No. 00-0788.

In 1997, Sedgwick County received a federal COPS MORE grant to fund a county-wide mobile computer terminal (MCT) system to allow more efficient community policing. The City of Wichita received a portion of the MCT units purchased under the grant. The initial units were competitively bid and placed into service in late 1998. The MCT system can only be expanded with original bid specified equipment. Additional unit components must be purchased through sole source of supply.

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The MCT radio/modem equipment and computer mounts to be purchased must be compatible with MCT units currently in service. The equipment must be integrated into the shared mobile relay to provide efficient and dependable range and clarity of communications. The needed communications equipment is available only from DataRadio Corporation. The needed computer mounts are available only from L&E Mobile Computers and Mounts, Inc.

The MCT radio/modem equipment (\$2,000 each) and the computer mounts (\$800 each), for 74 units, will total \$207,200. The Police Department has asked that an option to purchase up to fourteen (14) additional units (\$39,200), within 180, days be included. Funds are available from the Police Local Law Enforcement Block Grant budgets.

The Purchasing Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids.

Motion -- carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

(Addendum Item No.26a)

**KDHE**

## **APPLICATIONS TO KDHE FOR THE DRY CLEANER TRUST FUND.**

Agenda Report No. 0792.

The Kansas Department of Health and Environment (KDHE) sponsors the Dry Cleaner Trust Fund to address environmental contamination caused by certain dry cleaner facilities. The City is eligible to make application to the Fund for sites within the City boundaries.

The Department of Health has prepared applications to KDHE for acceptance and prioritization under the Dry Cleaner Trust Fund for facilities at the following sites:

2811 South Hydraulic  
2818 South Hydraulic  
1614 South Broadway  
353 North Indiana

If these dry cleaner facilities are accepted by KDHE, the Fund will prioritize the sites for financial assistance concerning remediation.

Upon acceptance, the City will seek reimbursement from the Dry Cleaner Trust Fund for the costs it has incurred in the investigation of these sites. These payments will go into the Gilbert & Mosley TIF fund.

Motion -- carried

Knight moved that the applications be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **ORDINANCES**

### **SECOND READING ORDINANCES: (FIRST READ AUGUST 1, 2000)**

- a) Z-3352 north side of Central, east of Oliver. (District I)

#### ORDINANCE NO. 44-690

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3352

- b) Z-2000-00007 - south of 13th Street, on the East Side of Greenwich Road. (District II)

#### ORDINANCE NO. 44-691

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-2000-00007

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- c) ZON2000-00010 – corner of Harry Street and Seville. (District V)

## ORDINANCE NO. 44-692

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-2000-00010

- d) ZON2000-00021 - 8410 West Kellogg - south of McCormick and east of Tyler Road. (District V)

## ORDINANCE NO. 44-693

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. ZON2000-00021

- e) Z-3179 – approximately 1/8 mile south of 21st Street North, east of Webb Road. (District II)

## ORDINANCE NO. 44-694

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3179

- f) A 00-12 – north from Arkansas to Alexander. (District V)

## ORDINANCE NO. 44-695

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 00-12

## PLANNING AGENDA

DED 2000-18

### DED 2000-18 – DEDICATION OF UTILITY EASEMENT LOCATED EAST OF SENECA, SOUTH OF 31ST STREET SOUTH. (District IV)

Agenda Report No. 00-0789.

MAPC Recommendation: Accept the Dedication.

As a requirement of Lot Split No. SUB 2000-52, City Engineering required this additional two-foot easement to conform with the ten-foot standard.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Gale moved that the dedication be received and filed. Motion carried 7 to 0.

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CON 2000-00022

**CON 2000-00022 – CONDITIONAL USE TO ALLOW SALE OF USED CARS ON PROPERTY ZONED “LC” LIMITED COMMERCIAL LOCATED ON THE NORTH SIDE OF WEST 13TH STREET, BETWEEN ST. PAUL AND MERIDIAN.** (District VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-0790.

MAPC Recommendation: Disapprove (8-4).  
DAB-VI Recommendation: Disapprove (10-0).  
Staff Recommendation: Disapprove.

The applicant is appealing the Metropolitan Area Planning Commission's disapproval of his request a Conditional Use to permit used car sales on a platted .66 acre tract of land. The applicant indicates a desire to offer up to 40 vehicles for sale and up to 74 vehicles in the future. The applicant has submitted a site plan showing the proposed use of the subject property. The site plan shows a sales/office building, a display area, employee/customer parking spaces and a gravel driveway along the north property line.

This property is zoned “LC” Limited Commercial and is located on the north side of West 13th Street, between St. Paul and Meridian. There is a chain link fence along the north property line. On the site there is a vacant building and paved parking lot that was a Total Petroleum Station for a number of years until it recently closed. The existing building, 35 feet by 8 feet, would need to be remodeled for an office for the vehicle sales use.

The character of the neighborhood is that of mixed uses consisting of residential and commercial uses. The property north of the application is a four-plex zoned “B” Multi-Family, the property to the south (across West 13th Street) is a commercial restaurant (McDonalds) zoned “LC” Limited Commercial; to the east is a strip shopping center zoned “LC;” to the west is a bank and is zoned “LC.” The nearest auto sales lots are near Douglas and West Streets.

Based on the information available prior to the public hearing, MAPD staff recommends the application be DENIED. The Comprehensive Plan does not indicate that a used car lot would be appropriate for this area, there are not any other vehicle sales lots existing or allowed by zoning in the general vicinity. The commercial uses along this portion of West 13th Street are neighborhood serving and do not involve the outdoor display storage associated with vehicle sales.

The Land Use Guide of the Comprehensive Plan identifies this property as “commercial.” The plan contains an objective which states: “Confine highway-oriented, auto-related and non-retail commercial uses to a limited number of urban areas, such as portions of Kellogg, Broadway, the CBD fringe, and other similar areas.” There are no used car sales lots in the area or between Amidon and West Street along West 13th Street.

On July 10, 2000 the District Advisory Board for District VI voted 10-0 to recommend disapproval of the request. On July 13, 2000 the MAPC voted 8-4 to recommend disapproval of the request. Neighborhood opposition was voiced at both meetings to the fact that the property has not been vacant long, the market for other uses in the area is strong, the car lot would be out of character with existing uses, and will likely trigger additional requests for more car lots.

The applicant has made the decision to appeal the recommendation of the MAPC.

Motion --

Cole moved that having reviewed the findings of the MAPC, the request be denied based on the following findings:

- 1) The proposed use would be out of character with the zoning and uses established along this section. There are other outdoor vehicle sales lots in the vicinity, and all the other established uses, including some auto-related uses, provide more neighborhood-oriented services than a vehicle sales lot.
- 2) The proposed use is suitable as currently zoned for a wide range of commercial uses that would be more compatible with the character of this area. Service stations and convenience stores have been successfully converted to all kinds of other commercial uses in other parts of the city.
- 3) The property has been vacant for only about six months.
- 4) The proposed use is contrary with the adopted Comprehensive Plan which calls for outdoor sales uses like these to be limited to “highway corridors and established urban areas containing similar concentrations of uses”.

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- 5) Considerable neighborhood opposition has emerged in response to this application, as the record indicates, with the local neighborhood association and the District 6 Advisory Board, as well as the MAPC and planning staff, all recommending denial.

Substitute Motion -- Martz move that the application be returned to the MAPC for reconsideration. Substitute motion carried 5 to 2.  
-- carried (Cole, Pisciotte; no)

## EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, legal advice, and preliminary discussions relating to acquisition of real property for public purposes; and the City Council return from executive session at 11:55 a.m. Motion carried 7 to 0.  
-- carried

RECESS The City Council recessed at 11:20 a.m. and returned at 11:55 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:55 a.m.

Pat Burnett CMC  
City Clerk